

REMARKS

Claims 1-40 were originally presented in the subject continuing application. Claims 1, 17, 33, 36 and 40 have hereinabove been amended to more particularly point out and distinctly claim the subject invention. No claims have herein been added or canceled. Therefore, claims 1-40 remain in this case.

The addition of new matter has been scrupulously avoided. In that regard, support for the common amendment to the independent claims can be found in the specification at, for example, numbered paragraph 0035.

Applicants respectfully request reconsideration and withdrawal of the grounds of rejection.

Double Patenting

Claims 1-3, 5-10, 17-19, 21-26 and 33-40 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as allegedly unpatentable over claims 2, 20 and 37-38 of U.S. Patent No. 6,907,011 B1 (previously co-pending Application No. 09/282,101) in view of Gai et al. (U.S. Patent No. 6,535,491).

Further claims 4 and 20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as allegedly unpatentable over claims 2, 20 and 37-38 of U.S. Patent No. 6,907,011 B1 (previously co-pending Application No. 09/282,101) in view of Gai et al. (U.S. Patent No. 6,535,491) as applied to claim 3 or 19 above, and further in view of Takano et al. (U.S. Patent No. 5,600,630).

In response, Applicants have filed herewith a Terminal Disclaimer over the cited U.S. patent, which is commonly owned by the assignee of the present application. Therefore, Applicants submit that this rejection is overcome.

35 U.S.C. §103 Rejection

The Office Action rejected claims 1-3, 6-10, 17-19, 22-26, 33-37, 39 and 40 under 35 U.S.C. §103, as allegedly obvious over Bracho (U.S. Patent No. 5,870,605) in view of Gai et al. (U.S. Patent No. 6,535,491). Applicants respectfully, but most strenuously, traverse this rejection as it applies to the amended claims.

Amended claim 1 recites, for example, that no messages of the publish/subscribe system are lost during the reconfiguring. Against this aspect of claim 1, the Office Action cites to Gai et al. at column 15, lines 13-16:

By quickly discarding the contents of their filtering databases 244, the possibility of data messages being misdirected or lost is significantly reduced.

Applicants submit that merely *reducing* lost or misdirected data messages implies that there will still be some lost or misdirected data messages. Thus, Gai et al. does not contemplate reconfiguration in which *no* messages are lost, as claimed.

Therefore, Applicants submit that claim 1 cannot be rendered obvious over Bracho et al. in view of Gai et al.

Independent claims 17, 33, 36 and 40 each contain a limitation similar to that argued above with respect to claim 1. Thus, the remarks made above are equally applicable thereto. Therefore, Applicants submit these claims also cannot be made obvious over the cited art.

Applicants submit that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For example, claim 2 recites that the reconfiguring is non-disruptive to the publish/subscribe system. Against this aspect of claim 2, the Office Action cites to Gai et al. at column 15, lines 1-2. However, the cited section merely discloses reducing the age value of the network switches to reduce the time for detecting a change. Applicants submit that

this cited section is not even relevant to claim 2, let alone obviating claim 2. Even going beyond the cited section to the end of that paragraph, Gai et al. only speaks to improving the speed of reconfiguration, and says nothing regarding being non-disruptive. In fact, further down column 15, at lines 13-16, Gai et al. speaks to reducing misdirected or lost messages, i.e., there will still be some that are lost or misdirected, which Applicants submit is anything but non-disruptive.

Therefore, Applicants submit that claim 2 cannot be made obvious over Bracho et al. in view of Gai et al.

Objection to Claims

The Office Action objected to claims 15, 16, 31 and 32 as dependent on rejected base claims. However, the Office Action also indicated that these claims would be allowable if rewritten in independent form, including all of the limitations of the relevant base claim and any intervening claims.

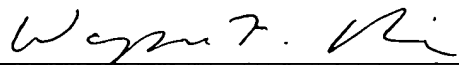
While Applicants sincerely appreciate the indication of allowable subject matter, in light of the above remarks, Applicants respectfully decline at this time to so amend the noted claims. However, Applicants expressly retain the right to so amend the claims subsequently in prosecution if later deemed appropriate in light of the situation.

CONCLUSION

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-14, 17-30 and 33-40 (claims 15, 16, 31 and 32 have already been allowed).

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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